

AMENDED IN SENATE JUNE 21, 2001

AMENDED IN ASSEMBLY MAY 2, 2001

AMENDED IN ASSEMBLY MARCH 27, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1334

Introduced by Assembly Member Harman
(Coauthors: Assembly Members Bates and Strom-Martin)
(Coauthors: Senators Alpert and Johnson)

February 23, 2001

An act to add Chapter 3.5 (commencing with Section 2300) to Division 3 of the Fish and Game Code, relating to algae, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1334, as amended, Harman. Genus *Caulerpa*.

(1) Existing law makes it unlawful for any person to receive, bring, or cause to be brought into this state, for the purpose of propagation, any fish, reptile, amphibian, or aquatic plant from any place wherein any infected, diseased, or parasitized fish, reptile, amphibian, or aquatic plants are known to exist.

This bill would prohibit the sale, possession, importation, transportation, transfer, releasing alive in the state, or giving away without consideration the salt water algae of the genus *Caulerpa*, except the bill would authorize the possession of salt water algae of ~~the genus~~ *enumerated Caulerpa species* for bona fide scientific research upon authorization by the Department of Fish and Game. The bill would

authorize the imposition of a civil penalty for violation of the provisions of the bill, in addition to any other penalty provided by law.

Because existing law would make a violation of these provisions a crime, the bill would impose a state-mandated local program by creating new crimes.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) The bill would declare it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 3.5 (commencing with Section 2300) is
2 added to Division 3 of the Fish and Game Code, to read:

3

4

CHAPTER 3.5. CAULERPA ALGAE

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6 2300. (a) No person shall sell, possess, import, transport,
7 transfer, release alive in the state, or give away without
8 consideration the salt water algae of the genus *Caulerpa*.

9 (b) Notwithstanding subdivision (a), a person may possess ~~the~~
10 ~~salt water algae of the genus *Caulerpa*~~, for bona fide scientific
11 research, as determined by the department, upon authorization by
12 the department, *the salt water algae of the *Caulerpa* species:*
13 *taxifolia, cupressoides, mexicana, sertularioides, floridana,*
14 *ashmeadii, racemosa, verticillata, and scapelliformis.*

15 (c) In addition to any other penalty provided by law, any person
16 who violates this section is subject to a civil penalty of not less than
17 five hundred dollars (\$500) and not more than ten thousand dollars
18 (\$10,000) for each violation.

19 SEC. 2. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or

1 infraction, eliminates a crime or infraction, or changes the penalty
2 for a crime or infraction, within the meaning of Section 17556 of
3 the Government Code, or changes the definition of a crime within
4 the meaning of Section 6 of Article XIII B of the California
5 Constitution.

6 SEC. 3. This act is an urgency statute necessary for the
7 immediate preservation of the public peace, health, or safety
8 within the meaning of Article IV of the Constitution and shall go
9 into immediate effect. The facts constituting the necessity are:

10 In order to control the introduction and spread of the salt water
11 algae of the ~~genus *Caulerpa*~~ *Caulerpa* species enumerated in
12 *Section 2300 of the Fish and Game Code, as proposed to be added*
13 *by Section 1 of this act*, at the earliest possible time, thereby
14 protecting the marine environment and the health of marine life,
15 it is necessary that this act take effect immediately.

